

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-07085-AKH**

Environmental Defense Fund v. U.S. Environmental Protection
Agency
Assigned to: Judge Alvin K. Hellerstein
Cause: 05:552 Freedom of Information Act

Date Filed: 08/07/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff**Environmental Defense Fund**

represented by **Benjamin Michael Levitan**
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TERMINATED: 07/15/2019

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V.

Defendant**U.S. Environmental Protection Agency**

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Date Filed	#	Docket Text
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08/07/2018	<u>1</u>	FILING ERROR – DEFICIENT PLEADING – SIGNATURE ERROR – COMPLAINT against U.S. Environmental Protection Agency. (Filing Fee \$ 400.00, Receipt Number 0208–15417295) Document filed by Environmental Defense Fund. (Attachments: # <u>1</u> Exhibit March FOIA Request, # <u>2</u> Exhibit May FOIA Request, # <u>3</u> Exhibit March Confirmation, # <u>4</u> Exhibit March 29 Letter, # <u>5</u> Exhibit March FOIA Online, # <u>6</u> Exhibit May Confirmation, # <u>7</u> Exhibit May 10 Letter, # <u>8</u> Exhibit FOIA Online)(Andiman, Alexis) Modified on 8/8/2018 (pne). (Entered: 08/07/2018)
08/07/2018	<u>2</u>	CIVIL COVER SHEET filed. (Andiman, Alexis) (Entered: 08/07/2018)
08/07/2018	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Environmental Defense Fund.(Andiman, Alexis) (Entered: 08/07/2018)
08/07/2018	<u>4</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to United States Environmental Protection Agency, re: <u>1</u> Complaint,. Document filed by Environmental Defense Fund. (Andiman, Alexis) Modified on 8/8/2018 (pne). (Entered: 08/07/2018)
08/07/2018	<u>5</u>	COMPLAINT against U.S. Environmental Protection Agency. Document filed by Environmental Defense Fund. (Attachments: # <u>1</u> Exhibit March FOIA Request, # <u>2</u> Exhibit May FOIA Request, # <u>3</u> Exhibit March Confirmation, # <u>4</u> Exhibit March 29 Letter, # <u>5</u> Exhibit March FOIA Online, # <u>6</u> Exhibit May Confirmation, # <u>7</u> Exhibit May 10 Letter, # <u>8</u> Exhibit FOIA Online)(Andiman, Alexis) (Entered: 08/07/2018)
08/08/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Richard J. Sullivan. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 08/08/2018)
08/08/2018		Magistrate Judge Katharine H. Parker is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 08/08/2018)
08/08/2018		Case Designated ECF. (pne) (Entered: 08/08/2018)
08/08/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Alexis Charlotte Andiman to RE–FILE Document No. <u>4</u> Request for Issuance of Summons,. The filing is deficient for the following reasons: caption entered on summons request does not exactly match caption on pleading; defendant name is incorrect on summons request caption; defendant name is incorrect on docket entry text; defendant name is incorrect in 'To' field on summons request PDF; 'C/O' or 'Via' must follow defendant name in 'To' field on summons request PDF. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pne) (Entered: 08/08/2018)
08/08/2018	<u>6</u>	MOTION for Surbhi Sarang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15425500. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Environmental Defense Fund. (Attachments: # <u>1</u> Affidavit Declaration, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order Proposed Order)(Sarang, Surbhi) (Entered: 08/08/2018)
08/08/2018	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Environmental Protection Agency, re: <u>5</u> Complaint,. Document filed by Environmental Defense Fund. (Andiman, Alexis) (Entered: 08/08/2018)
08/09/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>6</u> MOTION for Surbhi Sarang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15425500. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 08/09/2018)

08/09/2018	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Environmental Protection Agency. (dnh) (Entered: 08/09/2018)
08/09/2018	<u>9</u>	MEMO ENDORSEMENT granting <u>6</u> Motion for Surbhi Sarang to Appear Pro Hac Vice. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 8/9/2018) (rj) Modified on 8/10/2018 (rj). (Entered: 08/10/2018)
09/07/2018	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. U.S. Environmental Protection Agency served on 8/31/2018, answer due 9/21/2018. Service was made by Mail. Document filed by Environmental Defense Fund. (Attachments: # <u>1</u> Exhibit A. Proof of Service (EPA), # <u>2</u> Exhibit B. Proof of Service (Jeff Sessions), # <u>3</u> Exhibit C. Proof of Service (Geoffrey S. Berman), # <u>4</u> Exhibit D. Proof of Service (Civil Process Clerk, S.D.N.Y.)(Andiman, Alexis) (Entered: 09/07/2018)
09/07/2018	<u>11</u>	MOTION for Carrie Faye Apfel to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15543453. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Environmental Defense Fund. (Attachments: # <u>1</u> Affidavit In Support of Motion for Admission to Practice Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order for Admission to Practice Pro Hac Vice, # <u>3</u> NY Certificate of Good Standing, # <u>4</u> DC Certificate of Good Standing)(Apfel, Carrie) (Entered: 09/07/2018)
09/07/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>11</u> MOTION for Carrie Faye Apfel to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15543453. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 09/07/2018)
09/08/2018	<u>12</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>11</u> Motion for Carrie Faye Apfel to Appear Pro Hac Vice. (Signed by Judge Richard J. Sullivan on 9/7/2018) (mro) (Entered: 09/10/2018)
09/09/2018	<u>13</u>	ORDER: The above-entitled matter has been assigned to my docket. Accordingly, IT IS HEREBY ORDERED THAT the parties shall appear for an initial conference on Friday, November 16, 2018 at 3:15 p.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, and as further set forth in this Order. So ordered. (Initial Conference set for 11/16/2018 at 03:15 PM in Courtroom 905, U.S. Courthouse, 40 Centre Street, New York, NY 10007 before Judge Richard J. Sullivan). (Signed by Judge Richard J. Sullivan on 9/9/2018) (rjm) (Entered: 09/10/2018)
09/12/2018	<u>14</u>	CERTIFICATE OF SERVICE of Order served on U.S. ENVIRONMENTAL PROTECTION AGENCY on 9/12/2018. Service was made by Mail. Document filed by Environmental Defense Fund. (Andiman, Alexis) (Entered: 09/12/2018)
10/04/2018	<u>15</u>	ANSWER to <u>5</u> Complaint,. Document filed by U.S. Environmental Protection Agency.(Cha-Kim, Stephen) (Entered: 10/04/2018)
10/25/2018		NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Richard J. Sullivan is no longer assigned to the case. (sjo) (Entered: 10/25/2018)
10/29/2018	<u>16</u>	NOTICE OF COURT CONFERENCE: It is Ordered that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to Chambers. Please include telephone numbers and fax numbers on all documents submitted to the Court. (Initial Conference set for 11/2/2018 at 10:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 10/29/2018) (jca) (Entered: 10/29/2018)
10/30/2018	<u>17</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Alvin K. Hellerstein from Stephen Cha-Kim dated 10/30/2018. Document filed by U.S. Environmental Protection Agency.(Cha-Kim, Stephen) (Entered: 10/30/2018)
10/30/2018	<u>18</u>	ORDER granting <u>17</u> Letter Motion to Adjourn Conference. Conf. adjourned to Dec. 14, 10:00am. (Initial Conference set for 12/14/2018 at 10:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 10/30/18) (yv) (Entered: 10/31/2018)

12/12/2018	<u>19</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Alvin K. Hellerstein from Stephen Cha–Kim dated 12/12/2018. Document filed by U.S. Environmental Protection Agency.(Cha–Kim, Stephen) (Entered: 12/12/2018)
12/13/2018	<u>20</u>	ORDER granting <u>19</u> Letter Motion to Adjourn Conference. The status conf. is adjourned, from 12/14/18 to January 25, 2019, 10:00 am. Status Conference set for 1/25/2019 at 10:00 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 12/12/2018) (ne) (Entered: 12/13/2018)
12/27/2018	<u>21</u>	STANDING ORDER M10–468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (ne) (Entered: 01/03/2019)
12/27/2018		Case Stayed (ne) (Entered: 01/15/2019)
07/12/2019	<u>22</u>	MOTION for Surbhi Sarang to Withdraw as Attorney . Document filed by Environmental Defense Fund.(Sarang, Surbhi) (Entered: 07/12/2019)
07/12/2019	<u>23</u>	NOTICE OF APPEARANCE by Benjamin Michael Levitan on behalf of Environmental Defense Fund. (Levitan, Benjamin) (Entered: 07/12/2019)
07/15/2019	<u>24</u>	MEMO ENDORSEMENT granting <u>22</u> MOTION for Surbhi Sarang to Withdraw as Attorney. ENDORSEMENT: SO ORDERED. Attorney Surbhi Sarang terminated. (Signed by Judge Alvin K. Hellerstein on 7/15/2019) (jca) (Entered: 07/15/2019)
07/24/2019	<u>25</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – SIGNATURE ERROR – PROPOSED STIPULATION AND ORDER. Document filed by U.S. Environmental Protection Agency. (Cha–Kim, Stephen) Modified on 7/24/2019 (km). (Entered: 07/24/2019)
07/24/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PROPOSED STIPULATION AND ORDER. Notice to attorney Stephen Cha–Kim to RE–FILE Document No. <u>25</u> Proposed Stipulation and Order. The filing is deficient for the following reason(s): The stipulation needs to have handwritten signatures of the attorneys. Re–file the document using the event type Proposed Stipulation and Order found under the event list Proposed Orders. (km) (Entered: 07/24/2019)
07/24/2019	<u>26</u>	PROPOSED STIPULATION AND ORDER. Document filed by U.S. Environmental Protection Agency. (Attachments: # <u>1</u> Exhibit Search Terms) (Cha–Kim, Stephen) (Entered: 07/24/2019)
07/25/2019	<u>27</u>	STIPULATION AND ORDER SETTING FORTH NEGOTIATED SEARCH TERMS AND PRODUCTION SCHEDULE FOR FOIA REQUESTS AND ENTERING CONDITIONAL SCHEDULE FOR DISMISSAL WITH PREJUDICE PURSUANT TO RULE 41(a)(2): The scope of EPA's search obligation in this action is governed by this Stipulation, not by the original Requests, as further set forth in this Order. The Parties shall provide notice to the Court by letter when the Stipulated FOIA Requests are completed. If EDF does not raise a challenge according to Paragraph 6, this action shall be dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, without costs or fees. (Signed by Judge Alvin K. Hellerstein on 7/25/2019) (tro) (Entered: 07/25/2019)